



## BAIL SLIP

The Petitioner/Accused P.Ramanathan, S/O.Paravaikarasu, aged 39 years was released on bail as per the Order of this Court dated 13/12/2019 in CrI MP No.14277/19 in CrI.RC.1044/19 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.1044 of 2019

P.Ramanathan ...Petitioner/Appellant/Accused  
Vs.

State through,  
The Inspector of Police,  
Maduranthagam Police Station,  
Maduranthagam,  
Kanchipuram District.

...Respondent/Respondent/Complainant

The Criminal Revisions filed under Section 397 read with 401 of Code of Criminal Procedure seeking to call for the records and set aside the judgment passed in C.A.No.83 of 2017 by the learned Principal District and Sessions Judge at Chengalpattu on 26.04.2019 by confirming the judgment passed in C.C.No.55 of 2014 by the learned Judicial Magistrate, Maduranthagam, on 15.11.2017.

For Petitioner : Mr.S.Gajapathi Krishnan

For Respondent : Mr.S.Sugendran

Government Advocate (CrI.Side)

## ORDER

This criminal revision has been filed against the judgment of conviction and sentence passed in C.A.No.83 of 2017 by the learned Principal District and Sessions Judge at Chengalpattu on 26.04.2019 by confirming the judgment passed in



C.C.No.55 of 2014 by the learned Judicial Magistrate, Maduranthagam, on 15.11.2017.

2 The respondent police registered a case against the petitioner in Crime No.1035 of 2012 for the offence under Section 393 of IPC and after investigation laid a charge sheet before the learned Judicial Magistrate, Maduranthagam, which was taken on file in C.C.No.55 of 2014.

3 Case of the prosecution is that the on 05.11.2012 at about 12.30 hours, when the defacto complainant Parvathy was returning home after purchasing Grocery, the petitioner, who came in the opposite direction in his two wheeler bearing Reg.No.TN 07 AA 2871, has restrained the defacto complainant and with an intention of unlawful gain, has robbed 7 sovereigns of gold chain from the defacto complainant and hence the present case was registered against the petitioner.

4 In order to substantiate the charges, prosecution has examined 9 witnesses as P.W.1 to P.W.9 and marked 18 documents as Ex.P1 to Ex.P18 and 7 material objects were exhibited as M.O.1 to M.O.7. On completion of trial, the learned Magistrate found the petitioner/accused guilty for the offence under Section 393 of IPC and convicted and sentenced him to undergo rigorous imprisonment for a period of one year with fine of Rs.2000/-, in default, to undergo simple imprisonment for a further period of one week. Challenging the said judgment of conviction and sentence, the petitioner preferred an appeal before the learned Principal District and Sessions Judge, Chengalpattu, which was taken on file in C.A.No.83 of 2017. The learned Principal Sessions Judge, after hearing the arguments advanced on either side, by judgment dated 26.04.2019, confirmed the conviction and sentence passed by the trial Court. Aggrieved against the concurrent judgments of both the Courts below, the petitioner is now before this Court with the present criminal revision case.

5 The learned counsel appearing for the petitioner would submit that the petitioner is known person to P.W.1, who is the injured witness and victim, and she lodged a false complaint against the petitioner, in order to wreck vengeance due to previous enmity. P.W.1 in her evidence has stated that the petitioner/accused pulled the chain due to which, the chain



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has been cut, but the prosecution has marked the full chain without any damage as M.O.1, which creates a great doubt in the case of the prosecution. Therefore evidence of P.W.1 is not trustworthy and based on the same it is unsafe to record conviction against the petitioner. There is no independent witness and all are only interested witnesses. P.W.2 is husband of P.W.1, who was not present at the scene of occurrence and he is only hearsay witness. Prosecution has failed to prove its case beyond all reasonable doubt. The learned trial Judge has failed to consider the above aspects and erroneously convicted the petitioner and the learned Sessions Judge also without re-appreciating the entire materials has simply endorsed the view of the trial Judge. Hence the judgments of conviction of both the Courts below are liable to be set aside.

6 The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that P.W.1 is the injured witness, who has clearly deposed that the accused pulled the chain and due to which, she fell down and sustained injuries and further the persons, who were available at the time of occurrence, had caught hold the accused. P.W.7, the Doctor has issued Ex.P6 the wound certificate, which shows that P.W.1 sustained injuries. P.W.1 and P.W.3 has clearly deposed the incident, from which, it is clear that the petitioner is the one who pulled the chain and hence identification of the petitioner is not in dispute. Prosecution has clearly proved the case with corroborated evidence and medical records. Hence both the Courts below have rightly convicted the petitioner, which does not call for any interference.

7 Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

8 This Court, while exercising revisional jurisdiction, cannot exercise power of the Appellate Court and this Court, being a revisional Court, cannot sit in the arm chair of appellate Court and it has no power to re-assess the evidence and substitute its views on findings of fact. It can only see whether there is any perversity in appreciation of evidence by the Courts below.



9 A careful reading of the materials placed before this Court, it is seen that P.W.1 sustained injuries and she has clearly spoken about the incident and P.W.7, the Doctor, who treated the injuries sustained by P.W.1, has issued wound certificate Ex.P6. Therefore, medical evidence also corroborated with the evidence of the injured witness P.W.1. There is no reason to disbelieve or discord the evidence of P.W.1 the injured witness.

10 Further, on a careful reading of the judgments of both the Courts below, it is seen that the petitioner is a Home Guard and he committed the offence of robbery and prosecution has proved its case beyond all reasonable doubt. The learned Magistrate has also appreciated the evidence of prosecution witnesses and came to the conclusion that the petitioner has committed offence and the lower appellate Court has also re-appreciated the entire evidence and confirmed the judgment of the trial Court. This Court does not find any perversity in appreciating the evidence by both the Courts below and there is no merit in the revision.

11 Accordingly, this criminal revision shall stand dismissed. The trial Court is directed to secure the revision petitioner to undergo remaining period of imprisonment, if any.

Sd/-

Assistant Registrar (CS-CCC)

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Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge, Chengalpattu.
2. The Judicial Magistrate, Maduranthagam.
3. The Inspector of Police, Maduranthagam Police Station, Maduranthagam, Kanchipuram District.
4. The Public Prosecutor, High Court of Madras.
5. The Chief Judicial Magistrate, Chengalpat.

Copy to

The Section Officer, Criminal Section, High Court, Madras.

Cr1.R.C.No.1044 of 2019

SV I(CO)

B.VC (27/09/2021)